

1 Craig J. Mariam (SBN: 225280)
2 cmariam@gordonrees.com
3 Allison J. Fernandez (SBN: 272853)
4 afernandez@gordonrees.com
5 GORDON & REES LLP
633 West Fifth Street, 52nd Floor
Los Angeles, CA 90071
Telephone: (213) 576-5000
Facsimile: (877) 306-0043

6 Attorneys for Plaintiff
I.Q. Data International, Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA

11 HEMIL SHETH) CASE NO. 8:16-CV-00655
12 Plaintiff,)
13 vs.) Orange County Superior Court
14 I.Q. DATA INTERNATIONAL, INC.) Case No. 30-2016-00837982-CL-
15 Defendant.) NP-CJC
16) **NOTICE OF REMOVAL**
17) **UNDER 28 U.S.C. § 1441(A)**
18) **(FEDERAL QUESTION)**
19) [Filed concurrently with Notice
20) of Interested Parties and Civil
21) Cover Sheet]
22)

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

21 **PLEASE TAKE NOTICE** that defendant I.Q. Data International, Inc
22 (hereinafter referred to as “I.Q. Data”) respectfully submits this Notice of Removal
23 in this civil action from the Superior Court of the State of California for the County
24 of Orange to the United States District Court for the Central District of California,
25 pursuant to 28 U.S.C. §§ 1441 and 1446, based on federal question jurisdiction.
26 Specifically, plaintiff Hemil Sheth asserts a claim for damages arising out of
27 alleged violations of the federal Fair Debt Collection Practices Act, 15 U.S.C.
28 §1692 *et seq.*

1 In support of this Notice of Removal, I.Q. Data, through its counsel, states as
2 follows:

PROCEDURAL BACKGROUND

4 1. Plaintiff commenced this action by filing a Complaint in the Superior
5 Court of the State of California for the County of Orange on February 29, 2016,
6 styled *Hemil Sheth v. I.Q. Data International, Inc.*, Case No. 30-2016-00837982-
7 CL-NP-CJC (the “State Court Action”). A true and correct copy of the summons
8 and complaint is attached hereto as **Exhibit “A,”** in accordance with 28 U.S.C.
9 § 1446(a), and is incorporated by reference.

10 2. The allegations of the Complaint allege violations of the federal Fair
11 Debt Collection Practices Act (“FDCPA”), 15 U.S.C. 1692 *et seq.* (See Complaint,
12 ¶ 1). Plaintiff further alleges violation of the Rosenthal Fair Debt Collection
13 Practices Act (“RFDCPA”), Cal. Civ. Code § 1788 *et seq.* (*Id.*) The Complaint
14 was served on I.Q. Data on March 10, 2016.

BASIS FOR REMOVAL – FEDERAL QUESTION JURISDICTION

16 3. Under 28 U.S.C. § 1441(a), any civil action brought in a state court of
17 which the district courts of the United States have original jurisdiction, may be
18 removed by the defendant or the defendants, to the district court of the United
19 States for the district and division embracing the place where such action is
20 pending.

21 4. Further, 28 U.S.C. § 1441(b) provides that any civil action for which
22 the district courts have original jurisdiction founded on a claim or right arising
23 under the Constitution, treaties or laws of the United States shall be removable
24 without regard to the citizenship or residence of the parties.

25 5. This matter may be removed from the state court because this Court
26 has original jurisdiction over claims arising under the FDCPA, which is a law of
27 the United States. Further, the FDCPA provides “[a]n action to enforce any
28 liability [created by this subchapter or under this title] may be brought in any

1 appropriate United States district court, without regard to the amount in
 2 controversy, or in any other court of competent jurisdiction.” 15 U.S.C. §
 3 1692k(d).

4 **TIMELINESS OF REMOVAL**

5 6. As noted above, the Complaint was served on I.Q. Data on March 10,
 6 2016. I.Q. Data’s Notice of Removal is therefore timely because I.Q. Data has
 7 filed this Notice “within thirty days after receipt by the defendant, through service
 8 or otherwise, of a copy of an amended pleading, motion, order or other paper from
 9 which it may first be ascertained that the case is one which is or has become
 10 removable.” 28 U.S.C. § 1446(b)(3).

11 **VENUE**

12 7. Venue is proper in this district and division because the State Court
 13 Action was filed and is pending in the Superior Court of the State of California for
 14 the County of Orange, which is located within the federal United States District
 15 Court for the Central District of California.

16 **COMPLIANCE WITH REMOVAL PROCEDURES**

17 8. I.Q. Data has complied with all of the procedural requirements for
 18 removal set forth in 28 U.S.C. § 1446. As noted above, the notice of removal is
 19 filed within 30 days of the service of the pleading from which it may first be
 20 ascertained that the case is one which is or has become removable.

21 9. Pursuant to § 1446(d), a copy of this Notice of Removal, including
 22 exhibits, is being served on plaintiff’s counsel.

23 10. Pursuant to § 1446(d), a copy of this Notice of Removal, including
 24 exhibits, will be filed with the Superior Court of the State of California for the
 25 County of Orange, Case No. 30-2016-00837982-CL-NP-CJC.

26 11. Copies of all process, pleadings and orders served on the defendant
 27 are attached hereto.

28 12. All named defendants are joined in this removal.

1 WHEREFORE, for the foregoing reasons, I.Q. Data removes this action
2 from the Superior Court of the State of California for the County of Orange to the
3 United States District Court for the Central District of California and respectfully
4 requests that the Court exercise jurisdiction over this action.

Respectfully submitted,

6 | Dated: April 8, 2016

GORDON & REES LLP

By: Craig J. Mariam
Craig J. Mariam
Allison J. Fernandez
Attorneys for defendant
I.Q. Data International, Inc.

Gordon & Rees LLP
533 West Fifth Street, 52nd Floor
Los Angeles, CA 90071